

Mayor Patrick McCrory

Nancy Carter
Harold Cogdell, Jr.
Malcolm Graham
Don Lochman
James E. Mitchell, Jr.

Mayor Pro Tem Patrick De'Angelo Cannon

Patrick Mumford
Sara S. Spencer
John Tabor
Lynn Wheeler
Joe White

CITY COUNCIL MEETING

Monday, October 27, 2003

5:00 p.m.

Conference Center

**City Manager's Performance
Evaluation
Closed Session**

6:30 p.m.

Meeting Chamber

- **Invocation**
- **Pledge of Allegiance**
- **Citizens Forum**

7:00 p.m.

- **Awards and Recognitions**
- **Formal Business Meeting**

Business

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Mayor and Council Topics

Consent I

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**5:00 P.M. CITY MANAGER'S EVALUATION
CLOSED SESSION
CONFERENCE CENTER**

**6:30 P.M. CITIZENS FORUM
MEETING CHAMBER**

**7:00 P.M. AWARDS AND RECOGNITIONS
MEETING CHAMBER**

CONSENT

- 1. Consent agenda items 17 through 44 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

2. Draft Plaza-Central Pedscape Plan



Action: Receive citizen comments on the draft Plaza-Central Pedscape Plan.

Committee Chair: Lynn Wheeler

Staff Resource: Kent Main, Planning Commission

Explanation:

The Plaza-Central Pedscape Plan sets forth a compact, pedestrian-oriented future for the Plaza-Central District. This is the second application of Pedestrian Overlay zoning approved by Council in March 2000. East Boulevard was adopted June 2002. The process requires two steps: first, adoption of this Pedscape Plan; second, approval of a rezoning application.

This Plan makes specific recommendations as summarized below:

Land Use: Plan is intended to replace the Central District Plan as the land use policy for the area. It also updates the Belmont Area Revitalization Plan within the Plaza-Central boundary, as was anticipated in the Belmont Plan. The Plaza-Central Plan recommends:

- Creating a compact mixed-use retail village in the vicinity of Central Avenue, The Plaza, Commonwealth Avenue and Pecan Avenue.
- Developing the Central Five Points Intersection (Central Avenue and Louise Avenue) is a second retail node to support adjoining residential neighborhoods.
- The remaining portions of the district are recommended for mixed use, predominantly office and residential, with retail and restaurant uses on ground floors of multi-story buildings.

Cross Sections and Streetscape Standards:

- Streets are categorized into six types based on their use and traffic characteristics, with setback and cross-section requirements for each type.
- Most of the street types use existing curb lines, which are adequate for present and future traffic needs. Redeveloping properties should be built to the intended standards immediately.
- Option for new on-street parallel parking in some street types: recessed curb areas, with alternative tree placement to maintain spacing.
- On parts of Commonwealth Avenue and The Plaza; back-in angled parking with tree islands to remake a troublesome streetscape and

take advantage of underutilized wide right-of-way. Requires implementation as a capital improvement.

Streetscape and Pedestrian Improvements: Plan recommends possible public investments to enhance the pedestrian environment. These include:

- Reconfiguration of the Central Five Points intersection (Central Avenue and Tenth Street at Louise Avenue) with a new refuge island and crosswalks;
- The reconfiguration for on-street back-in diagonal parking on parts of Commonwealth Avenue and The Plaza.

Committee Discussion:

On September 16, 2003, the Planning Commission's Planning Committee received public comments. Representatives of Plaza-Central Partners, Plaza-Midwood Neighborhood Association, and Commonwealth-Morningside Neighborhood Association spoke in favor of the Plan. No opposition was expressed. In discussion with Planning Committee members, a number of points were discussed and/or clarified, including:

- Utility lines: Although many would like to see these relocated or placed underground, there is no program or funding to do so.
- Optional on-street parking: It was suggested (for a more consistent streetscape) that recessed parallel parking bays in some locations might be required rather than optional.
- Streetcar location: The streetcar as currently proposed would come onto Central Avenue at Hawthorne Lane, and run in the outside lane mixed with regular vehicular traffic on both sides of the street from there eastward. It would be able to make stops at the existing curb. Recessed parallel parking bays would extend clear of the tracks.
- Industrial rezoning: Some portions of the proposed overlay district are zoned I-2 industrial. Much of this has transitioned to commercial use already. There are some remaining small shop-type industrial and warehouse uses, which may remain as existing non-conforming uses. Discussions with property owners have indicated a willingness to support rezoning to an underlying B-2 business classification in conjunction with application of the PED overlay district.

At the October 16 meeting, the Planning Committee voted 5-0 to approve the Draft Plan.

City Council's Economic Development and Planning Committee will discuss the draft plan at their October 22 meeting. Staff will provide background information and highlight key recommendations. Committee comments will be forwarded in the Council Manager Memorandum on Friday, October 24th. After public comments at the October 27 Council meeting, the Economic Development & Planning Committee is tentatively scheduled to make its recommendation on November 5th. Council action is tentatively scheduled for November 10th.

Community Input:

- The Pedscape Plan is a follow-through from the 1998 Revitalization Study, which included a series of community design charrettes.
- Beginning in fall 2002, additional public meetings were held to work on the specifics of the Pedscape Plan.
- Staff also has met monthly with the Plaza Central Partners, and made periodic presentations to adjoining neighborhood groups and to the Charlotte Tree Commission.
- Notices of this public input opportunity have been sent to property and business owners in the study area, to business and neighborhood association leadership, and to those who have attended past community meetings on the Plan.

Attachment 1

Draft Plaza-Central Pedscape Plan

3. General Development Policies

Action: Receive citizen comments on the proposed General Development Policies.

Committee Chair: Lynn Wheeler

Staff Resource: Garet Walsh, Planning

Explanation:

The proposed General Development Policies (GDP) provide guidance for the location, intensity and form of future development and redevelopment throughout the community. The original GDP were adopted in 1990 and have served to guide growth and development throughout Charlotte and Mecklenburg County. Now, the policies are being updated and expanded to better address the policy direction Council has adopted over the last few years – particularly Smart Growth and the Centers and Corridors Land Use Vision.

Specifically, the updated GDP include policies for four elements:

- Residential Location and Design
- Mixed/Multi-Use Retail-Oriented Centers
- Plan Amendment Process
- Transit Station Area Principles

The fourth element, Transit Station Area Principles, was adopted by Council in November 2001.

Committee Discussion:

The Economic Development and Planning Committee began reviewing the revised draft document at their September 17, 2003 meeting. At that meeting, staff provided the Committee with an overview of the revised document as well as a summary of the information requested by Council at the August 11th, special-called Council workshop on the GDP.

On September 30th, the Committee received a presentation from the Chamber of Commerce regarding recent development trends that could be relevant to the proposed GDP.

On October 15th, the Committee received a presentation from staff on the public comments received to date on the proposed GDP and heard staff responses to these issues (see attached). The Committee also received a presentation from the Chamber's Land Use Committee providing more detail on the concerns raised at the September 30th Committee meeting.

The Economic Development and Planning Committee directed staff to meet with other stakeholders, particularly neighborhood representatives to get additional input and in addition, to invite neighborhood stakeholders to speak at the November 5th Committee meeting. A schedule of the additional stakeholder meetings is attached. The Committee is scheduled to make a recommendation on the proposed GDP on November 19th. Council is scheduled to take action on the proposed GDP at the November 24th business meeting.

Community Input:

Approximately 700 notices of this public comment meeting were mailed out to stakeholders and other interested citizens.

During the development of the proposed policies, staff worked with two groups of stakeholders composed of representatives from the development community and neighborhoods. In addition, two public workshops were held in June and July 2003 to receive further input on the proposed policies. The Planning Commission held a public meeting to hear citizen comments on September 23, 2003.

Staff has also scheduled three additional stakeholder meetings: October 21st, 23rd and 30th.

Attachment 2

General Development Policies Update, September 2003 Draft

Key Issues and Responses to Public Comments on the September 2003 Draft Policies

Comments from Speakers at the September 23, 2003 Public Meeting with the Planning Commission

GDP Review and Adoption Schedule

4. 2003 Disparity Study

Action: Conduct a public hearing on the 2003 Disparity Study.

Staff Resource: Tiffany Capers, Small Business Program
Cindy White, City Attorney's Office

Policy:

In January 2002 the City ended the race and gender conscious components of the local MWDB program due to a lawsuit challenging the program's constitutionality. Council then approved development of a new disparity study to determine if race and gender conscious programs are appropriate in city contracting.

Explanation:

In November 2002 the City entered into a contract with MGT of America (MGT) to complete a disparity study. A disparity study does the following:

- Compares the percentage of City contract dollars that go to minority and women-owned firms to the percentage of minority and women-owned firms willing and qualified to perform those contracts. It performs this comparison for both prime and subcontracts.
- If there is a disparity between the utilization and availability of minority and women-owned firms, the study will use anecdotal evidence and various statistical tools to determine whether the disparity is attributable to discrimination.
- If there is discrimination, appropriate programs are recommended to remedy the disparity. The latest case law requires that race and gender neutral measures be attempted and found insufficient to address the disparity, before race and gender conscious programs are used.

On October 20, MGT presented the results of their study to the Mayor and Council. MGT also conducted three briefings for stakeholders and the public on October 21. As a part of the review process, citizens are asked to comment on the study prior to Mayor and Council action on the study.

Attachment 3

2003 Disparity Study Summary of Findings and Recommendations

POLICY

5. City Manager's Report

6. Heavy Industrial Uses Near Residential Areas



Action: A. Approve the Economic Development and Planning Committee's recommendation to proceed with Option 1: amend the I-2 zoning district and add stricter development standards for certain uses, and

B. Direct staff to conduct a study of industrial development trends and needs in Mecklenburg County.

Committee Chair: Lynn Wheeler

Staff Resource: Keith MacVean, Planning Commission

Explanation:

In response to concerns expressed by citizens about heavy industrial land uses being located in residential areas, City Council directed staff in May to develop possible options to address this issue. In July staff presented four possible options to City Council and the item was referred to the Economic Development and Planning Committee for further review. As a part of the Committee's review and discussion, staff presented detail information on the four options with a list of advantages and disadvantages, which is included in the attachment.

Option 1: Amend the I-2 zoning district and add stricter development standards for certain uses. The development standards could address such things as site, size, design, access, separation or distance from residential areas, and public notification of a requested use.

Option 2: Create a new zoning category (i.e., I-3), to exclusively allow certain heavy industrial uses that are currently allowed in I-2. These uses would no longer be allowed in the I-2 district.

Option 3: Develop an overlay district that would allow certain uses and also include development standards. This overlay district would be applied only to areas currently zoned I-2. This option is similar to Option 2 since both require the site to be rezoned. However, in this option the uses would be expanded in that uses permitted in the underlying zoning district (I-2) would continue to be allowed in addition to those allowed in the overlay district.

Option 4: No change.

Staff recommended Council pursue Option 1 for the following reasons:

- easiest to implement
- focuses on development standards instead of location
- less confusing to developers
- includes standards that protects residential areas

Staff further recommended that additional study be done on industrial development trends and needs in Mecklenburg County. This study will provide a base of information for staff to develop appropriate standards to respond to market needs and demands.

Committee Discussion:

The Economic Development and Planning Committee discussed this item on August 20th and October 1st. At the August 20th meeting, staff reviewed and discussed the four options including the advantages and disadvantages of each option. The Committee asked staff to identify possible site and design standards that may be considered with these options.

On October 1st, staff presented examples of site and design standards that are typically used to regulate quarries, medical waste incinerators and similar facilities to the Committee at their meeting on October 1st. Those standards include separation requirements, larger buffers, limited access and limited hours of operations.

Council member Graham asked if the corrective rezonings could be amortized so that nonconforming uses would have to comply with the new zoning classification at some time in the future. The City Attorney will investigate this issue. After further discussion, Council members Wheeler, Cannon, Graham, and Carter voted unanimously to recommend Option 1 to City Council. Council member Lochman was absent.

Community Input:

If Option 1 is approved by City Council, the process to develop the text amendment would include creating a stakeholders group to further develop the text amendment. This process will take approximately six months. It is notable that during meetings with the property owners of the proposed corrective rezonings recommended in the adopted plans, there were requests to delay or defer action on the corrective rezonings until Council took action on proposed changes to the I-2 zoning district.

Attachment 4

Options to Address Industrial Uses Near Residential Areas

7. Recommendations for Agreement with U.S. National Whitewater Center



Action: Approve recommendations of Economic Development and Planning Committee providing direction to City staff in negotiations with U.S. National Whitewater Center for services agreement.

Committee Chair: Lynn Wheeler

Staff Resource: S. Mujeeb Shah-Khan, City Attorney's Office
Ruffin Hall, Budget & Evaluation

Explanation:

The purpose of this agenda action is to approve recommendations from Council's Economic Development and Planning Committee for a Services Agreement in support of the U.S. National Whitewater Center. If the Council approves the Committee's recommendations, City staff will negotiate the final Agreement with Charlotte Whitewater Park, Inc. (CWP) consistent with Council direction. The final Agreement will be reviewed with Council's Economic Development and Planning Committee and then sent to the full City Council for consideration and approval.

As part of Council's approval of the Capital Investment Plan (CIP) for FY-2004-2008, Council agreed to commit \$2,000,000 over seven years to help fund capital costs for the construction of the U.S. National Whitewater Center, which will be operated by Charlotte Whitewater Park, Inc. (CWP). In order to translate the commitment into a binding contract, City Staff began discussions with CWP to begin framing a contract between the City and CWP.

While City staff and CWP were able to agree on many issues for the Agreement, there were several points where staff needs Council input as to how it should proceed. During its July 28, 2003 Dinner Briefing, Council referred all issues related to the Whitewater agreement to the Economic Development and Planning Committee for consideration of those issues.

Prior to the August 20th Economic Development and Planning Committee meeting, City staff and CWP agreed on the following issues for the Agreement:

- Amount of commitment (maximum of \$2,000,000 over 7 years)
- Amount of commitment per year (maximum of \$285,714 per year)
- No "Claw Back" for funds from one year to past years
- Access for Swift Water Rescue Training

The City and CWP had not reached an agreement on the following issues:

- Contingencies and commitments of other cities and counties
- Security interest
- Request for City contribution
- Naming rights

Committee Discussion:

During its August 20 and September 3, 2003 meetings, the Economic Development & Planning Committee discussed the open issues and options for those issues for the Agreement with CWP.

During its October 1, 2003 meeting, the Economic Development & Planning Committee unanimously voted to approve the following recommendations to Council to direct staff for negotiation of the final Agreement (where used, the term "Whitewater" means Charlotte Whitewater Park, Inc.):

- Contingencies/Commitments of Other Cities & Counties - Require Whitewater to enter into, by December 31, 2004, formal financing contracts with Mecklenburg County and other municipalities representing a total of \$11,000,000 (including City contribution) worth of governmental contributions to Whitewater for capital costs, or City may terminate or restructure agreement.
- Commitment of Financial Institutions - Whitewater is required to obtain a formal contract with the financial institutions providing construction financing by June 30, 2005, or City may terminate or restructure agreement.
- Request For City Contribution - Before the City can provide any portion of its grant to Whitewater, Whitewater is required to provide the City with a "Statement of Financial Need for Capital Contribution," along with audited financial statements evidencing CWP's need for the proceeds of any portion of the City's economic development grant. The "Statement of Financial Need for Capital Contribution" must be in a form satisfactory to the City. Any funds provided to CWP as part of the grant are for repayment of capital costs (including debt service) incurred by CWP, and will not be used for any Whitewater Park operational expenses. No contribution will be required of the City until such time as construction of the Whitewater Park is complete and the Whitewater Park is open and in operation.
- Security Interest - No recommendation. After further discussions and negotiations with CWP, holding a security interest in the project would not serve to protect the City's interests.
- Naming Rights - All reasonable efforts will be made to include "Charlotte USA" in branding of the US National Whitewater Center in those circumstances deemed appropriate, at the discretion of Whitewater.

- Nature of Financial Contribution - City's contribution is considered a contingent capital grant with no expectation of repayment by Whitewater.

A description of the issues and options discussed by the Economic Development and Planning Committee at the October 1st meeting is attached. The Committee made amendments to the option regarding naming rights, and provided deadline dates for the options concerning commitments of other cities and counties and commitments of financial institutions.

If the Council approves the Committee's recommendations, the final agreement will be reviewed with Economic Development and Planning Committee and sent to the full Council. The target date for Council consideration is November 24th, provided the negotiations and documentation are complete.

Community Input:

Several citizens expressed support during the budget process for the Whitewater Park.

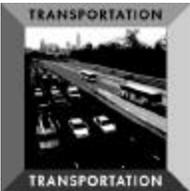
Funding:

The contingent capital grant has been budgeted in the CIP for FY 2004-2008, and may be funded by the proceeds from the sale of excess arena land.

Attachment 5

October 1, 2003 Memorandum from City Attorney's Office outlining issues and options regarding agreement with Charlotte Whitewater Park, Inc.

8. Transportation Connectivity



Action: Approve the Transportation Committee recommendations for Connectivity.

Committee Chair: Sara Spencer

Staff Resource: Norm Steinman, Transportation
David McDonald, Transportation

Policy: Transportation Connectivity

Explanation:

In 1998 Council identified connectivity as a priority for improved citywide transportation. In 2000 Council adopted a major collector map to ensure proper street connections as development occurs. In addition, Council authorized a study in June 2002, which relied upon public input from four pilot areas to identify potential connections and judge citizen support for a citywide connectivity program. From that study, City staff developed

recommendations, which were presented to the Transportation Committee at its September 24, 2003 meeting. They include:

- Continued emphasis on creating new connections through development and existing programs
- Adoption of a list of criteria for connectivity (attached)
- Endorsement of the concept of a “Connectivity Program”
- Consideration of funding for a Connectivity Program in the FY2004/2005 budget

At the October 7th workshop, Council received the presentation given to the Transportation Committee at its September 24th meeting.

Committee Discussion:

At the September 24, 2003 Transportation Committee meeting, the Committee discussed the connectivity criteria presented by staff and recommended changes in the evaluation of cost, type of connection and linkages to Council Priorities. The Committee discussed funding a Connectivity Program and indicated that, as a new program, it must compete with existing programs for funding in the upcoming budget development process. Council members Carter, Graham, Tabor and White voted unanimously to recommend the four connectivity initiatives listed above. Council member Spencer was absent.

Community Input:

Public outreach included two rounds of four public meetings and several workshops within targeted pilot areas. The meetings included other affected agencies such as Parks & Recreation and Charlotte-Mecklenburg Schools to identify potential connections. Staff utilized this input to develop the recommendations approved by the Transportation Committee.

Attachment 6

Connectivity Criteria

October 7, 2003 Council Workshop Presentation

BUSINESS

9. Weed and Seed Site Designation and Application



Action: Approve Proposed Central Avenue Corridor Weed and Seed Site Designation and Application for Official Recognition.

Staff Resource: Toni Tupponce, Neighborhood Development

Policy:

The Weed and Seed initiative supports the Communities Within A City (CWAC) Strategy and the Westside Strategic Plan of addressing quality of life issues in Charlotte's older urban neighborhoods. These are neighborhoods that struggle with issues of poverty, crime high and unemployment and physical decay and need help to move toward stability.

Explanation:

Weed and Seed is a federal initiative designed to “weed” out crime in communities and “seed” in neighborhood restoration initiatives and resources. Charlotte’s current Weed and Seed Site, established in 1998, includes nine neighborhoods adjacent to the West Boulevard Corridor. The initiative represents collaborative efforts between the City, U. S. Justice Department, U.S. Marshal’s Office and residents of the community. West Boulevard Weed and Seed neighborhoods include Dalton Village, Pinecrest, Ponderosa/Wilmore, Reid Park, Revolution Park, Westover Hills, Wilmore and West Boulevard. Weed and Seed will complete its fifth and final year in 2003.

Charlotte’s continuation as a designated Weed and Seed site requires the selection of a new primary geographical area, development of an intervention strategy and application for Official Recognition as a designated site by October 31, 2003. The Weed and Seed Steering Committee has recommended an area along Central Avenue – between Briar Creek and the Eastland Mall area – as the new site. This area was considered because police data show high concentrations of violent and property crimes, increasing gang activity, immigrant victimization and the impact these factors have on surrounding residential neighborhoods and businesses.

As much as \$500,000 in federal funding may be awarded to the site, primarily for “seeding” purposes, over the five year period. Seventy-five percent (75%) of the funding would be dedicated to the initiative along the Central Avenue Corridor and 25% to the West Boulevard Site. Initiatives to stabilize and build capacity would continue in the West Boulevard, Wingate, Ponderosa, Reid Park neighborhoods and their adjacent areas.

City staff is working with the Weed and Seed Steering Committee to develop a comprehensive strategy that will successfully “weed” out crime and “seed” restorative initiatives in the area. Strategies will include initiatives to:

- Educate/communicate alternatives to gang participation by area youth
- Employ and train residents to benefit from job opportunities along both corridors
- Reduce youth crime and gang activity
- Partner with business and property owners to enhance safety precautions and the perception of safety along the corridor through improved lighting, property upkeep, etc.
- Work with school officials to better educate young people regarding safe and drug free schools
- Partner with police, schools, DSS and others to increase awareness of and decrease incidence of domestic crime
- Increase partnerships with faith-based community, private and non-profit organizations along the corridor to increase resources for youth
- Partner with Eastland Mall and other retailers in the area to create appropriate Safe Havens for the area
- Collaborate with advocates for the international community to educate and include the immigrant community in positive activities along the corridor
- Promote homeownership and positively market neighborhoods adjacent to the corridor

A letter of intent to apply for Official Recognition as a Weed and Seed site was submitted to the Executive Office of Weed and Seed by the United States Attorney on August 31, 2003.

The existing Weed and Seed Initiative brought approximately \$700,000 in federal funds to the West Boulevard Corridor over the five-year grant period. Those resources benefited residents in the area and yielded a 42% decrease in crime rates, award winning programs for the elderly that supported their ability to remain in their homes, employment training, drug intervention and provided counseling for youth that directed them from truancy to the opportunity to get a college education. See the attached excerpt from the Executive Summary of the Weed and Seed Evaluation Final Report.

Funding allocations for the next round of Weed and Seed Initiatives have not been published. Notification of award may be received from the Executive Office of Weed and Seed in mid-2004. The City will use existing community policing, code enforcement and capacity building initiatives in collaboration with private and non-profit to achieve the goals of the proposed Weed and Seed Strategy.

Council received a briefing on the New Weed and Seed Site Designation and Application for Official Recognition at the October 7, 2003 workshop.

Funding:

No new City expenditures will be requested to support the initiative.

Attachment 7

Proposed Central Avenue Corridor Weed and Seed Map

Proposed Strategies for Weed and Seed

Steering Committee Members

Excerpt: Weed and Seed Final Evaluation Report – Executive Summary

10. Relocation of Abandoned Private Cemetery

Action: Approve request from Martin Marietta to relocate an abandoned private cemetery located on their Mallard Creek quarry property to Gethsamane Memorial Gardens, 1504 Sugar Creek Road.

Staff Resource: Julie Burch, City Manager's Office

Explanation:

Earlier this year the City Manager received a request from R. Ward Sutton Cemetery Services on behalf of Martin Marietta requesting permission to relocate an abandoned, privately owned cemetery on their Mallard Creek quarry property to Gethsamane Memorial Gardens, 1504 Sugar Creek Road. The graves need to be relocated in order for Martin Marietta to expand. There appear to be three graves in the cemetery. Only one is marked, with a date of 1935 - 1940.

According to state law, Martin Marietta must receive consent from the local governing body before it may remove the graves. The law also requires Martin Marietta to give public notice at least thirty days before the relocation. The removal cannot take place unless a notice has been advertised in the local paper four successive times. Sutton Cemetery Services, on behalf of Martin Marietta, posted the legal notice in The Charlotte Observer on June 24, July 1, July 8 and July 15. No one responded to the public notice.

The City Manager asked Martin Marietta to provide documentation that the Mallard Creek quarry site is properly zoned for the planned expansion. Attached is the September 23, 2003 letter from Robert Brandon, County Zoning Administrator, indicating that the existing quarry is non-conforming. The site is currently zoned R-3 and Institutional, but the quarry was grandfathered when the zoning ordinance was amended in 1992. Mr. Brandon states that the removal of existing gravesites for the approved designated pit area would not be a violation of the zoning ordinance.

Council approval is necessary in order for Martin Marietta to proceed with relocating the graves.

Attachment 8

Map

Letter from County Zoning Administrator

11. South Boulevard Road Improvements Municipal Agreement

Action: A. Adopt a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for pavement rehabilitation and reconstruction of portions of South Boulevard, and

B. Adopt a budget ordinance appropriating \$1,300,000 in state funding.

Staff Resource: Bill Finger, Transportation

Explanation:

This agreement between NCDOT and CDOT starts the process for NCDOT to transfer maintenance of South Boulevard to CDOT in June 2005. The transfer will allow the City to implement important transit-oriented initiatives, and control the future planning and development of South Boulevard from I-277 to Woodlawn Road. NCDOT has agreed to pay for the repairs to South Boulevard before the transfer takes place.

CDOT will receive a total of \$1,300,000 from NCDOT for improvements, to include milling the existing roadway, base repair, curb and gutter repair, repaving, and new pavement markings. This work will be done on a portion of South Boulevard from I-277 to Clanton Road and from Scaleybark Road to Woodlawn Road. These improvements will not include areas that CATS will rebuild as part of the light rail project.

The City would award the construction contract in the spring of 2004 and the official maintenance transfer would take place June 2005.

Funding:

NCDOT

Attachment 9

Resolution

Budget Ordinance

12. City Code Amendment Concerning Tryon Street Vendors

Action: Adopt an ordinance amending Chapter 6 of the City Code concerning the Tryon Street Mall Vending Program.

Staff Resource: Brad Richardson, Economic Development

Explanation:

The current ordinance allows sidewalk vendors participating in the City's Tryon Street Mall Vending Program to retain a specific vending location for a period not to exceed three years. After three consecutive years in the same location, the ordinance requires Charlotte Center City Partners (CCCP), the program administrator, to relocate the vendor to a new location. The proposed amendment to the ordinance would remove this three-year relocation requirement and allow a vendor to retain a specific location as long as the vendor is in good standing with the Tryon Street Mall Vending Program.

Since the inception of the Tryon Street Mall Vending Program in 1985, participating vendors have been moved just once, in 2001, because Center City Partners was not previously aware of the three-year relocation requirement. After the 2001 relocation, many vendors complained that their income had been reduced substantially because they had lost the customer base they had built over the years. An article in the Charlotte Observer highlighted the controversy.

On March 5, 2003, CCCP hosted a meeting with program participants prior to the start of the 2003-2004 vending season. Vendors agreed unanimously that CCCP should ask the City to remove the three-year relocation requirement, and stated that they preferred the ability to build a customer base at one location rather than the ability to move to different locations every three years.

If the ordinance change is not adopted, most of the current vendors will be relocated to different sites in March of 2004.

Vendors wanting to move to new locations in the future would still be able apply for a different location when spaces become available.

Attachment 10
Ordinance

13. Old Statesville Road Widening Contract Replacement

This item will be included in the Friday, October 24th Council-Manager Memorandum.

14. Set Dates for Council Annual Retreat

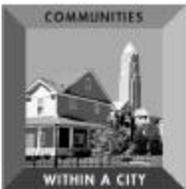
Action: Set dates of Wednesday, February 11 through Friday, February 13, 2004 for the Council Annual Retreat.

Staff Resource: Denise Foreman, City Manager's Office

Explanation:

At the October 7th Workshop, Council asked staff to determine alternate dates for the annual Council retreat. The Mayor, City Council and incoming City Council members were polled and have agreed that the proposed dates of Wednesday, February 11th through Friday, February 13th currently work with their schedules. The retreat will begin on the evening of February 11th and conclude mid-day on February 13th. The retreat location will be determined later.

15. YWCA Special Needs Housing Rehabilitation Grant



Action: Accept a report on the YWCA of Central Carolina's request to rehabilitate 66 housing units for its Women in Transition Facility and place on City Council's November 10, 2003 agenda for Council action.

Staff Resource: Stanley Wilson, Neighborhood Development
Jeff Meadows, Neighborhood Development

Policy:

The City's FY2004 Consolidated Action Plan identifies the need for affordable, safe and decent housing for low and moderate-income families. The Plan was approved by City Council on June 23, 2003 and reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of affordable housing and support family self-sufficiency initiatives.

Explanation:

Council is asked to receive the report on the YWCA Special Needs Project before it is placed on the agenda for action on November 10, 2003. While the YWCA's project (special needs and rehabilitation) is exempt from the City's Housing Locational Policy and does not require a Council briefing, staff's practice has been to provide a briefing to Council on all proposed housing projects. Due to the construction timing, City Council will be asked to take action on the YWCA's funding request at the November 10th meeting.

As part of the Housing Trust Fund's Special Needs Housing Request for Proposal (RFP) process, the YWCA of Central Carolina is requesting a grant in the amount of \$320,000 for the rehabilitation of 66 units for the YWCA's Women in Transition Program located at 3420 Park Road. The proposed City

funding will be provided through Housing Bond Funds. On January 13, 2003, City Council approved a \$500,000 allocation for Special Needs Housing.

The YWCA proposal was the only respondent to the RFP. The proposal was reviewed and met the requirements of the RFP. The YWCA proposal received 99 out of 130 points. Because the YWCA's project is a rehabilitation and special needs project, it is exempt from the Housing Locational Policy.

The improvements to the facility include bringing the building up to minimum code requirements, improving handicapped accessibility, removing asbestos, remodeling kitchens and bathrooms, new flooring, new wall board and paint and ceiling treatments to modernize the facility.

The unit distribution by area median income (AMI) served is presented in the matrix below:

Units	Monthly Program Fees	AMI Served*
17 (26%)	\$320	≤ 30%
49 (74%)	\$350- \$390	≤ 60%

*Based on 2003 Area Median Income of \$64,100

The YWCA of Central Carolinas, Inc. Women in Transition Program has full time staff including: one director, two case managers and an administrative assistant. Part time staff includes a nurse, a counselor and two residence advisors. The units serve as transitional housing to single women for a minimum of four months. Through case management and other programs the women transition to permanent housing.

The units will remain affordable for 30 years and the affordability period will be secured by a deed restriction. The total rehabilitation cost per unit is \$18,545. The City investment per unit is \$4,848 for a leverage ratio of 1:3.8.

Sources and Uses of Funds:

Sources

City of Charlotte Grant	320,000
Charlotte-Mecklenburg Housing Partnership Loan	400,000
Supportive Housing Development Program Loan	104,000
Congregations/Corporations Grant	<u>400,000</u>
Total	\$1,224,000

Uses

Rehabilitation Costs	835,294
Soft Construction Costs	27,500
Reserve/Escrow	<u>361,206</u>
Total	\$1,224,000

The projected project schedule is shown below:

November 2003	Initial Equity and Loan Closings
December 2003	Rehabilitation Start
September 2004	Substantial Completion
October 2004	Full Occupancy

Council received information on this project as part of the Council Manager Memo on October 10, 2003.

Funding:

Housing Bond Funds

Attachment 11

Project Summary

16. Nominations to Boards and Commissions

Action: Nominate citizens to serve as specified. Incumbents may be reappointed at this meeting.

A. BICYCLE ADVISORY COMMITTEE

Two appointments to serve two year terms beginning January 2004. Daniel Faris and Ward Simmons, Jr. are eligible and would like to be reappointed.

Attachment 12

Applications

B. BUSINESS ADVISORY COMMITTEE

One appointment beginning immediately and ending April 2005. William Clements did not fulfill Council attendance requirement. The Charlotte Chamber makes a recommendation to City Council for this vacancy.

Attachment 13

Applications

C. CHARLOTTE MECKLENBURG DEVELOPMENT CORPORATION

Two appointments to serve three year terms beginning November 2003. One will represent a non-profit organization category. Alfreda Barringer is not eligible for reappointment. John Helms is eligible and would like to be reappointed.

Attachment 14

Applications

D. COMMUNITY RELATIONS COMMITTEE

One appointment beginning immediately and ending June 2005 to replace Martin Lasker, who did not fulfill Council's attendance requirement.

Attachment 15

Applications

E. DOMESTIC VIOLENCE ADVISORY BOARD

One appointment to serve three years beginning October 2003. Judy Parks is eligible and would like to be reappointed.

Attachment 16

Applications

F. FIREMEN'S RELIEF BOARD OF TRUSTEES

One appointment beginning January 2004 to serve two years. Lou Lesesne is not eligible to be reappointed.

Attachment 17

Applications

G. HOUSING APPEALS BOARD

One position to serve three years beginning January 2003. Appointee must be a City within a City tenant. Katharine Briggs is eligible and would like to be reappointed.

Attachment 18

Applications

H. HOUSING AUTHORITY

Three appointments to serve three years beginning December 2003. Lucy Bush and Raymond Jones are eligible and would like to be reappointed. Mary Stitt, representing a low income housing resident, is not eligible for reappointment.

Attachment 19

Applications

I. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

One appointment beginning immediately, serving until March 2004, and then serving the next full, two year term. Tony Arias did not fulfill Council's attendance requirements.

Attachment 20

Applications

J. TREE ADVISORY COMMITTEE

One appointment for three years beginning December 2003. Rick Roti is eligible and would like to be reappointed.

Attachment 21

Applications

MAYOR AND COUNCIL TOPICS

At the end of the formal agenda, Council members may share information and raise topics for discussion.

Introduction to CONSENT

The consent portion of the agenda is divided into two sections: Consent I and Consent II.

Consent I consists of routine items that have been approved in the budget, are low bid and comply with the Small Business Opportunity Program Policy.

Consent II consists of routine items that have also been approved in the budget, but require additional explanation.

The City's Small Business Opportunity Program's (SBO) purpose is to enhance competition and opportunity in City contracting with small businesses in the Charlotte metropolitan statistical area. Participation of small business enterprises (SBE) is noted where applicable. Contracts recommended for award as of March 1, 2003 comply with the provisions of the SBO Program Policy for SBE outreach and utilization. Professional services contracts recommended for award as of August 1, 2003 comply with the provisions of the SBO Program Policy for SBE outreach and utilization.

Disadvantaged Business Enterprise (DBE) is a federal program primarily used for Aviation and Transit.

Contractors and Consultants

All contractors and consultants selections follow the Council approved process unless explained otherwise.

CONSENT I

17. Various Bids

A. Foxcroft/Ferncliff Capital Improvement Project **EPM**

Recommendation:

The City Engineer recommends the low bid of \$2,436,477.75 by Sealand Contractors Corporation of Charlotte, North Carolina. This project addresses street flooding, house flooding, deteriorated infrastructure and stream erosion in the Olde Foxcroft neighborhood. The project area is bounded by Providence Road to the North, Sharon Amity to the East, Sharon Road to the South, and Wendover Road to the West. The anticipated project completion date is February 2005.

Small Business Opportunity:

Established SBE Goal: 2%

Committed SBE Goal: 2%

Sealand Contractors has committed 2% (\$50,000) of the total contract amount to a certified SBE.

B. CMGC Pneumatic Control Terminals Phase 2 EPM**Recommendation:**

The City Engineer recommends the low bid of \$555,397 by Southern Comfort Inc. of Charlotte, North Carolina. This work is the continuing replacement of the building's pneumatically controlled air terminal units (VAV boxes) with more efficient and reliable DDC –VAV (Direct Digital Control) boxes. The escalating cost of maintaining pneumatic equipment as well as the energy savings generated by going to digital equipment make it cost effective to replace the boxes and controls.

Small Business Opportunity:

Established SBE Goal: 1%

Committed SBE Goal: 17%

Southern Comfort of Charlotte, Inc., the apparent low bidder, has committed 17% (\$96,025) of the total contract amount to a certified SBE firm.

**C. Water and Sewer Main Construction-FY2004 CMU
Contract 3-Street Main Extensions****Recommendation:**

The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$1,122,245.70 by R. H. Price, Inc. of Charlotte, North Carolina. This project provides labor, materials and right-of-ways for water and sewer main construction.

Small Business Opportunity:

Established SBE Goal: 3%

SBE Committed Goal: 5%

R. H. Price committed 5% (\$60,000) of the total contract amount to SBE firms.

D. Plott Road Pump Station Improvements CMU**Recommendation:**

The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$860,530 by Hall Contracting Corporation of Charlotte, North Carolina. This contract includes installation of two 250 horsepower pumps, one 750 kW diesel fueled generator, and a motor control center to reduce overflows.

Small Business Opportunity:

Established SBE Goal: 2%

SBE Committed Goal: 4%

Hall committed 4% (\$34,004) of the total contract amount to an SBE firm.

E. Sanitary Sewer to Serve 20613 Island Forest Drive

EPM

Recommendation:

The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$352,557.45 by 7 Star Construction Company, Inc. of Rock Hill, South Carolina. The Street Main Extension Program provides for installation of low-pressure sewer lines along lake front properties. Applications have been received from residents on Island Forest Drive in Cornelius for this service. This project consists of sewer pipe, pressure pipe and other appurtenances beginning at an existing sewer line north of the intersection of Bethel Church Road and Pinehurst Drive (Cornelius) and continuing northwesterly on Pinehurst Drive to Island Forest Drive. The pressure line extends the length of Island Forest Drive and Eastpoint Drive taking in the side streets of Montcalm Court, Lake Hurst Court, and Pinecrest Place.

Small Business Opportunity:

Established SBE Goal: 3%

SBE Committed Goal: 3%

7 Star Construction committed 3% (\$11,400) of the total contract amount to an SBE firm.

18. Resolution of Intent to Abandon Street and Set Public Hearing for a Portion of 10th Street alleyway

Action: A. Adopt the Resolution of Intent to abandon a portion of 10th Street alleyway, and

B. Set a public hearing for November 24, 2003.

Attachment 22

Map
Resolution

19. Refund of Property Taxes

Action: A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$29,037.73, and

B. Adopt a resolution authorizing the refund of business privilege license payments made in error in the amount of \$16,410.14.

Attachment 23

Resolutions
Refund List

CONSENT II

20. Lead-Based Paint Program Outreach Grant

Action: Adopt a budget ordinance appropriating \$288,457 for a federal Lead Based Paint Outreach Program.

Staff Resource: Diane Adams, Neighborhood Development

Explanation:

Neighborhood Development received a grant from the U.S. Department of Housing and Urban Development (HUD) for \$288,457. The grant will be used to educate Latino/Hispanic residents and other at-risk households in low-income areas regarding the dangers of lead based paint. The outreach effort will provide Latinos/Hispanics households an equal opportunity to access the City's current Lead Hazard Reduction Program and access free blood testing provided by the Mecklenburg County Health Department.

Outreach efforts will include partnering with the local media – The Charlotte Observer, LaNoticia, Fox TV, local Spanish network television and Adams Outdoor Advertising – for a yearlong media blitz. Other efforts will include a Lead Safe Charlotte Spanish hotline, participation in community festivals and securing the services of an interpreter to assist in promoting the program and completing the appropriate paperwork.

Funding:

U.S. Department of Housing and Urban Development grant

Attachment 24

Budget Ordinance

21. Emergency Management Program Grant Funding

Action: Adopt a budget ordinance appropriating \$5,048.78 in additional program grant funding from the North Carolina Division of Emergency Management.

Staff Resource: Wayne Broome, Fire

Explanation:

Each year the Federal Emergency Management Agency (FEMA) makes program grant funding available to state and local emergency management agencies in order to assist in the development and continuation of comprehensive planning and response efforts at the state and local government levels.

This budget ordinance appropriates \$5,048.78 in additional funding over the \$34,268 appropriated in the initial budget ordinance. The North Carolina Division of Emergency Management serves as the coordinating agency for FEMA concerning program grant activities in the State of North Carolina.

Funding:

Federal Emergency Management Agency grant

Attachment 25

Budget Ordinance

22. Emergency Management-Fixed Nuclear Facility Funding

Action: Adopt a budget ordinance appropriating \$5,500 in additional program funding from Duke Energy Corporation for the Fixed Nuclear Facility (FNF) response program.

Staff Resource:

Wayne Broome, Fire

Explanation:

Under an agreement with the State of North Carolina, utility companies operating nuclear power facilities, within or contiguous to North Carolina counties, provide annual funding to the state and respective counties to maintain an emergency planning program for radiological response. The amount of \$5,500 represents funding for specialized equipment and is in addition to the annual provision by Duke Energy, which was appropriated for this fiscal year in the initial budget ordinance.

Funding:

Duke Energy Corporation grant

Attachment 26

Budget Ordinance

23. Juvenile Firesetter Intervention Grant

Action: Adopt a budget ordinance appropriating a \$5,000 from the Federal Emergency Management Agency for expenses related to providing a course on dealing effectively with juvenile firesetters.

Staff Resource:

David Lowery, Fire

Explanation:

This grant will enable the Fire Investigation Task Force, in cooperation with the Office of the State Fire Marshal, to sponsor a class in effective

intervention practices for juvenile firesetters. Up to 30 Department of Social Services, fire service, and law enforcement personnel will be able to attend. The class is the first step in creating a state-wide firesetters program on the Charlotte model. Since its inception in 1989, representatives of Charlotte's program have worked with a thousand young people and their families, with just five repeat offenders coming back through the process.

In the past two years, the Charlotte Fire Department has responded to 29 fires intentionally set by juveniles and 103 fires caused by children playing with matches and lighters. These fires resulted in 4 civilian injuries, 6 firefighter injuries, 66 people left homeless, and estimated fire loss of \$523,845. These numbers indicate the magnitude of the problem and the importance of early intervention.

Funding:

Federal Emergency Management Agency grant

Attachment 27

Budget ordinance

24. Emergency Management-Citizen Corps Grant

Action: A. Enter into a grant agreement with the North Carolina Division of Emergency Management, on behalf of the North Carolina Office of the Governor, in the amount of \$2,500 to assist in the development of a Community Emergency Response Team (CERT) program for Charlotte-Mecklenburg, and

B. Adopt a budget ordinance appropriating \$2,500 in funding for the development of a CERT program for Charlotte-Mecklenburg.

Staff Resource:

Wayne Broome, Fire

Explanation:

In the aftermath of 9-11 the Citizen Corps program was initiated to provide public education, training and the opportunities for citizens to actively serve in making their communities safer from the threat of terrorism, crime and disasters of any nature. The Community Emergency Response Team (CERT) is a component of Citizen Corps and provides a basic level of skill training to groups of individuals to respond to the community's needs in the wake of a disaster situation.

The Citizen Corps/CERT program is administered in North Carolina by the North Carolina Division of Emergency Management, on behalf of the Office of the Governor.

Funding:

North Carolina Division of Emergency Management grant

Attachment 28

Budget Ordinance

25. Utility Mail Remittance Processing System Upgrade

Action: Authorize the City Manager to enter into a contract with BancTec, Inc. to purchase an automated remittance processing system, including maintenance and support, for an amount not to exceed \$324,000.

Staff Resource:

Greg Gaskins, Finance

Explanation:

The BancTec automated remittance system was installed and implemented in April 1990. The system is used to process payments of \$175 million annually for water, sewer, storm water and other services. The mail remittance volumes now exceed 200,000 payments monthly. It is necessary to upgrade this equipment due to its declining reliability coupled with its obsolete microfilm based image system. The hardware, equipped with new image technology, would be purchased from the existing system provider, BancTec Inc. The BancTec system 9500 image based mail payment processing workstations will run a previously upgraded (FY2000), proprietary version of the existing remittance application software. The system is a key financial component of the Utility Billing System.

In compliance with the City's competition plan, the remittance processing services were the object of a detailed benchmarking analysis. This analysis demonstrated that the City was the lowest cost provider.

Funding:

Finance Operating Budget

26. Interest Rate Agreement for Water and Sewer Fund Debt

Action: Approve a resolution authorizing negotiation of an interest rate agreement with Bank of America for the Benefit of the Water and Sewer Fund.

Staff Resource:

Greg Gaskins, Finance

Explanation:

In February of 2002 the City sold \$114,430,000 of variable rate Water and Sewer Revenue Bonds. Market conditions are such that the City can enter

into an interest rate agreement with Bank of America for four years. The agreement allows the City to swap variable rate debt for fixed rate debt.

The effect of this agreement would lower interest expense and fees over a four-year period in the Water and Sewer Debt Service Fund. Savings over this period are estimated to be approximately \$1.6 million.

Market conditions that make this transaction possible could change at any time. This resolution authorizes staff to negotiate for the best interest rate. This transaction also requires approval by the Local Government Commission.

Funding:

Water and Sewer Debt Service Fund

Attachment 29

Resolution

27. Installment Purchase Contract for Charlotte Area Transit

Action: Approve a resolution authorizing:

- A. Negotiation of an installment purchase contract, evidenced by certificates of participation, and related financing documents for up to \$90 million to fund approved CATS Capital Projects and Capital Equipment requirements, and**
- B. Set a public hearing and publication of notice for that hearing, application to the Local Government Commission for approval of the contract, the financing team and the steps necessary to complete the contract.**

Staff Resource:

Greg Gaskins, Finance
Ron Tober, CATS

Explanation:

The projects and equipment to be funded include:

Buses-New and replacement	\$28,100,000
Second Bus Garage and Renovations to the first Bus Garage	51,500,000
Land – South Corridor, Park & Ride Lots and Transit Centers	5,000,000
Capitalized Interest	1,745,000
Estimated issuance expense	<u>3,655,000</u>
Total Contract	\$90,000,000

Projects and equipment have been approved by the Metropolitan Transit Commission.

The public hearing will be scheduled for November 10, 2003.

Funding:

Transit Debt Service Fund

Attachment 30

Resolution

28. Standby Bond Purchase Agreement for 1993 Airport Revenue Bonds

Action: Adopt a resolution authorizing approval, execution and delivery of a Standby Bond Purchase Agreement for 1993 Airport Revenue Bonds.

Staff Resource: Greg Gaskins, Finance

Explanation:

This action, as provided for in the 1993 financing documents, is necessary to change from Commerz Bank, the firm currently providing the Standby Bond Purchase Agreement (SBPA), to AIG Liquidity Corporation. Fees related to this agreement will not change.

The 1993 Airport Revenue Bonds are variable rate bonds that are priced on a weekly basis. The SBPA is like an insurance policy. If there is insufficient demand for these particular bonds, the SBPA provider agrees to buy the bonds so the City doesn't have to redeem them prior to normal maturity.

Funding:

Airport Debt Service Fund

Attachment 31

Resolution

29. Grant for Police Department Volunteer Coordinator

Action: Adopt an ordinance appropriating \$49,382 in funds from the U.S. Department of Justice for a coordinator for the Police Department's new Citizens on Patrol Volunteer Program.

Staff Resource: Sgt. Katrina Graue, Charlotte-Mecklenburg Police

Explanation:

The Police Department currently has a volunteer program with over 200 volunteers who contributed 23,940 hours valued at over \$395,963 to the department in FY2003. The department is planning to expand the program by establishing a new component to be known as the Citizens on Patrol. The Citizens on Patrol will be working in the patrol districts to

- assist with community events
- conduct zone checks of residences and businesses
- assist the Lake Enforcement Unit
- monitor cameras in the center city and neighborhoods
- conduct roving neighborhood patrols in neighborhoods with emerging crime trends

Their efforts will supplement the work done by police officers and will, in some cases, free police officers for other duties that require a sworn police presence.

The Police Department has received a grant from the U.S. Department of Justice's Office of Community Oriented Policing Services to hire a coordinator for the new program component. The coordinator will work specifically on recruitment, scheduling, coordination, and evaluation of the Citizens on Patrol Program. The coordinator will report to the police officer who is in charge of the Police Department's overall volunteer program. The funds will cover the salary and benefits for the coordinator for one year as well as training costs, a computer, and the publication of a quarterly newsletter for the program.

Funding:

U.S. Department of Justice

Attachment 32

Budget Ordinance

30. Amendment to Intergraph Public Safety CAD Contract

Action: Approve an amendment, in the amount of \$156, 500, to the contract between the Charlotte-Mecklenburg Police Department and Intergraph Public Safety for the purchase, implementation, project management and maintenance of the I/Mobile product.

Staff Resource: Ron Horton, Charlotte-Mecklenburg Police

Explanation:

The Police Department needs to purchase the Intergraph I/Mobile Product software suite to use in conjunction with Intergraph's Computer Aided Dispatch (CAD) products. The software provides an integrated automated dispatch of events to officers in the field via the laptop computers in their

vehicles. The I/Mobile software enhances officers' ability to use the CAD system by providing a single sign-on to CAD, map integration, street routing and directions, messaging, and improved access to the Division of Criminal Information and Local Warrants systems.

This software will replace the Aether Packet Cluster software that the Police Department has used for more than six years. Replacing this software with the product offered by the vendor for the CAD system will provide more integrated services and additional features to officers in the field, save \$80,000 per year in system maintenance costs, and simplify administrative processes and troubleshooting for the technical staff working with the system.

Council approved the original contract with Intergraph Public Safety on September 27, 2000 and an amendment on September 26, 2001.

Funding:

911 Surcharge Fund

31. Guidelines for Mutual Assistance with North Carolina State Law Enforcement Agencies

Action: Adopt a resolution containing guidelines for mutual assistance with North Carolina State Law Enforcement Agencies.

Staff Resource:

Darrel Stephens, Charlotte-Mecklenburg Police
Mark Newbold, Charlotte-Mecklenburg Police

Explanation:

Chapter 160A, Section 288.2 of the North Carolina General Statutes permits municipal law enforcement agencies to provide assistance to state law enforcement agencies upon the passing of a resolution by the governing body. Currently, the City has a resolution permitting the Department to assist other municipalities; but, no resolution exists that permits the Police Department to assist state law enforcement agencies for an emergency that occurs outside of our jurisdiction.

This resolution provides the Chief of Police the legal authority to assist state law enforcement agencies in jurisdictions outside the Charlotte-Mecklenburg area. Officers temporarily assigned to assist a state law enforcement agency will retain the same rights, privileges and immunities as the requesting agency. While on duty with the requesting agency, officers will be subject to the lawful commands of the requesting agency, but officers will remain under the control of CMPD for personnel and administrative purposes.

Attachment 33

Resolution

32. USGS 2003-2004 Cooperative Agreement

Action: Approve the 2003-2004 Cooperative Program Agreement with the United States Geological Survey (USGS) for storm water data collection activities in the amount of \$254,370.

Staff Resource: Tim Richards, Engineering and Property Management

Explanation:

The 2003-2004 Cooperative Program Agreement with USGS includes:

- Continued operation and maintenance of the rainfall and stream flow gage networks
- Installation of one new gage
- Continued hydrologic data collection
- Installation and maintenance of six water quality monitors
- Development of rainfall intensity-duration-frequency information

USGS has obtained hydrologic data for the City since 1961. The installation and maintenance of the rainfall and stream flow gage networks has been funded cooperatively by Charlotte Storm Water Services, Mecklenburg County Storm Water Services, and USGS. These three agencies have shared equally in the cost of the partnership since 1993, with annual cost shares fluctuating slightly due to the installation of new gages or other special data analysis projects.

The data collected at these sites is necessary and is used by scientists, engineers, and managers to detect potential problems with water quantity and quality, determine flood-prone areas, review the impacts of specific rain events and determine long-term trends, and aid in the design of bridges, culverts, and other drainage infrastructure.

The cooperative agreement leverages City funds with the USGS funds. The total cost of the service is \$503,740. The City's share is \$254,370. The USGS will pay the remainder of the cost.

Funding:

Storm Water Fund and United States Geological Survey

33. FY2004 Contract 4-Street Main Extensions

Action: A. Reject the bid of \$960,675.70 from Allied Grading, Incorporated of Huntersville, North Carolina pursuant to submitting a non-responsive bid, and

B. Award contract for FY2004 Contract 4 - Street Main Extensions to the next low bidder, Propst Construction Company, Incorporated of Concord, North Carolina in the amount of \$1,006,971.70.

Staff Resource: Doug Bean, Utilities

Explanation:

This contract provides construction of water and sewer street main extensions throughout the City and Mecklenburg County. At the October 2, 2003 bid opening, Utility staff noted that the signature page of the bid package submitted by Allied Grading was missing. A representative of Allied was present and was notified of this finding. Because the signature page was missing, the bid is unsigned and is not binding upon Allied Grading. Allowing Allied Grading the opportunity to sign the unsigned bid after the bid opening would create an unfair advantage and would violate the State bidding statutes. The unfair advantage lies in the ability to sign or not sign the bid, after first reviewing all of the bids. The City Attorney's Office and Charlotte-Mecklenburg Utilities have determined the bid submitted by Allied Grading is non-responsive.

Staff recommends awarding this contract to the low, responsive bidder, Propst Construction Company, Inc.

Small Business Opportunity::

Established SBE Goal: 3%

SBE Committed Goal: 13%

Propst committed 13% (\$127,000) of the total contract amount to certified SBE firms.

Summary of Bids:

Allied Grading, Inc.	Huntersville, NC	960,675.70
Propst Construction Company, Inc.	Concord, NC	1,006,971.70
State Utility, Incorporated	Monroe, NC	1,011,826.70
Dellinger, Inc.	Monroe, NC	1,145,179.70

Funding:

Water and Sewer Capital Investment Plan

34. Water Main Replacement FY2001 Contract U Renewal

Action: Approve renewal #2 for \$1,163,762.78 with Dallas 1 Construction, LLC for continued construction of water main replacements in FY2001 Contract U.

Staff Resource: Doug Bean, Utilities

Explanation:

This renewal will enable Utilities to continue to provide improved service to citizens who have experienced water quality or low-pressure problems. This construction will provide for replacement of water mains for system improvements and/or maintenance. The need is based on aging and corroded water mains resulting in increased costs, frequent breaks, and reduced flow rates and pressure.

The contract document provides for renewal of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship. This renewal will increase the contract amount from \$2,327,525.56 to \$3,491,288.34. A summary of FY2001 Contract #U follows:

	Council Approval Date	Contract Amount
Original Contract	May 29, 2001	\$1,163,762.78
Renewal #1	September 23, 2002	\$1,163,762.78
Renewal #2	October 27, 2003	\$1,163,762.78
Total Contract Amount		\$3,491,288.34

Small Business Opportunity:

Established SBE Goal: 4%

SBE Committed Goal: 4%

Dallas 1 is an SBE firm and has also committed 4% (\$47,000) of the total contract amount to other SBE firms.

Funding:

Water Capital Investment Plan

35. Water Contract, Shopton Road West – The Sanctuary at Lake Wylie, LLC

Action: Approve a contract between The Sanctuary at Lake Wylie, LLC and the City for design and construction of a water main along Shopton Road West.

Staff Resource: Doug Bean, Utilities

Policy:

Charlotte Mecklenburg Utilities Extension Program, five-year Reimbursable Program

Explanation:

The Sanctuary at Lake Wylie, LLC requests a five-year reimbursable contract for the design and construction of a water main along Shopton Road West approved in the FY2000 Capital Investment Plan. This main will extend approximately 10,600 linear feet from the end of the CMU existing water main at Sledge Road and Shopton Road West to Wither's Cove on Lake Wylie. The estimated cost of this project is \$780,000.

The applicant has deposited 5% of the estimated project cost with Charlotte Mecklenburg Utilities and the remaining 95% will be deposited prior to construction. The City will reimburse the applicant over a five-year period because the project is included in the unfinanced section of the Capital Investment Plan.

36. Sewer Trunk Extension to Hambright Road Area

Action: A. Approve a budget ordinance appropriating \$200,000 from Capital Reserves Fund Balance to Outfall From Hambright Road area, and

B. Award a contract to Dellinger, Incorporated of Monroe, North Carolina for their low bid of \$659,273.48.

Staff Resource: Doug Bean, Utilities

Explanation:

Approval of the budget ordinance will allow for construction costs and in-house engineering charges.

This project was approved in the FY 2002-2004 Capital Investment Plan. It was initiated at the request of the Town of Huntersville to eliminate unsafe septic tanks and provide sewer service for future development

Small Business Opportunity::

Established SBE Goal: 3%

SBE Committed Goal: 3%

Dellinger committed 3% (\$22,000) of the total contract amount to certified SBE firms.

Funding:

Sewer Capital Investment Plan

Attachment 34
Budget Ordinance

37. Water and Sewer Main Construction Street Main Extensions Renewal

Action: Approve Renewal #3 for \$828,361.20 with UW2 Contractors, Incorporated for continued construction of FY2001 Contract #110 water and sewer street main extensions.

Staff Resource: Doug Bean, Utilities

Explanation:

This renewal will enable Utilities to continue construction throughout the City of Charlotte and Mecklenburg County for applicants who have requested water and sewer main street main extensions.

The contract document provides for renewal of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship. Renewal #3 will be the final renewal for this contract and the contract amount will increase to \$3,313,444.80. A summary of FY2001 Contract #110 follows:

	Council Approval Date	Contract Amount
Original Contract	May 29, 2001	\$828,361.20
Renewal #1	March 25, 2002	\$828,361.20
Renewal #2	October 14, 2002	\$828,361.20
Renewal #3	October 27, 2003	\$828,361.20
Total Contract Amount		\$3,313,444.80

Small Business Opportunity:

Established SBE Goal: 2%

SBE Committed Goal: 2%

UW2 has committed 2% (\$17,000) of the total contract amount to an SBE firm.

Funding:

Water and Sewer Capital Investment Plan

38. Intersection Improvements at Mt. Holly and Mt. Holly-Huntersville Roads Municipal Agreement

Action: A. Approve a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for intersection improvements at Mt. Holly Road and Mt. Holly-Huntersville Road, and

B. Adopt a budget ordinance appropriating \$225,000 in state funds.

Staff Resource: Bill Finger, Transportation

Explanation:

This agreement represents a joint Private/Public venture, with funding and participation coming from the developer (C River, LLC), the North Carolina Department of Transportation, as well as the Charlotte Department of Transportation.

The intersection of Mt. Holly Road and Mt. Holly-Huntersville Road has an extensive history of being a dangerous intersection. By 2000, it had moved to the top of the High Accident Location list, making it the most dangerous intersection in Charlotte. In October 2000, an estimate was prepared for the overall cost of the project, which was around one million dollars. The developer then began to pursue a joint venture project with the City and NCDOT to reconstruct this dangerous “Y” intersection into a much safer “right-angle” configuration.

This joint venture requires that the developer bear most of the cost for design and construction of the roadway. The Municipal Agreement provides for the NCDOT to fund a portion of the project. NCDOT is contributing \$175,000 towards the construction of the project, to be paid to the developer upon final inspection of the project by NCDOT. The State will also pay up to \$50,000 toward the cost of a new traffic signal. The City of Charlotte is contributing \$250,000 of right-of-way to the project, and the developer is providing the remaining funding estimated at \$725,000, to total \$1.2 million.

The format and cost sharing philosophy is consistent with past municipal agreements.

Funding:

C River, LLC, NCDOT and Transportation Capital Investment Plan

Attachment 35

Resolution

Budget Ordinance

39. Airport Parking Deck Electrical Construction Contract

Action: **A. Approve a contract in the amount of \$1,397,300 to WB Moore Company of Charlotte for electrical construction for the Airport Parking Deck, and**

B. Adopt a budget ordinance appropriating \$1,500,000 from the Discretionary Fund Balance to be repaid from the proceeds of future General Airport Revenue Bonds.

Staff Resource: Jerry Orr, Aviation

Explanation:

On August 25, 2003, Council awarded a contract to Turner Construction Company of Charlotte, NC to manage the construction of a new parking deck at the Airport. This contract is the first of a series of contracts to construct this deck. This contract will provide the electrical construction work in the deck.

The Airport Advisory Committee recommends this action.

Small Business Opportunity:

Established SBE Goal: 2%

SBE Committed Goal: 0%

WB Moore, the low bidder, complied with the good faith efforts.

Funding:

Airport Discretionary Fund Balance

Attachment 36

Budget Ordinance

40. Cargo Facility Lease - Quantem Aviation Services

Action: Approve a five-year lease of a cargo facility at Charlotte/Douglas International Airport to Quantem Aviation Services.

Staff Resource: Jerry Orr, Aviation

Explanation:

The lease permits Quantem to occupy a 38,000 square-foot cargo facility for an annual rent of \$253,761. The initial lease term is five years, and Quantem may extend the lease for an additional five years thereafter, subject to an increase in the rent commensurate with any increase in the Producer Price Index.

The Airport Advisory Committee recommends this action.

41. Air Cargo Retaining Wall

Action: A. Approve a contract to Morlando-Holden Construction Company in the amount of \$149,220 for the construction of a retaining wall, and

B. Adopt a budget ordinance appropriating \$156,000 from the Airport Excluded Fund Balance.

Staff Resource: Jerry Orr, Aviation

Explanation:

In September 2002, City Council approved a contract in the amount of \$2,858,603.01 with Choate Construction Co. to construct a 71,000 square-foot cargo building in the Charlotte Air Cargo Center.

In July 2003, City Council approved Change orders #1 and #2 for costs incurred due to delays in obtaining NC Department of Insurance approval of plans.

This contract will construct a 360 foot long retaining wall and 1,600 square yards of concrete paving.

The Airport Advisory Committee recommends this action.

Small Business Opportunity:

Established SBE Goal: 5%

SBE Participation: 13%

Morlando-Holden Construction Company, the low bidder, exceeded the SBO goal and committed 13% (\$19,399) of the total contract to certified SBE firms.

Funding:

Airport Excluded Fund Balance

Attachment 37

Budget Ordinance

42. Airport Temporary Services Contract Extension

Action: Approve a contract extension with Manpower Associates for providing parking cashiers and other personnel services at the Airport.

Staff Resource: Jerry Orr, Aviation

Explanation:

This contract provides a pool of approximately 130 employees. This contract includes personnel for parking lot cashiers and customer service representatives, taxi starters and Information Counter and Welcome Center attendants on a 24-hour, 7-day a week basis. City Council approved this contract November 9, 1998, for three years with options for three, one-year extensions. Manpower was selected based upon their capabilities and their competitive mark-up rate at that time. Their performance has been very good. The estimated value of this extension is \$1,687,500.

This contract extension is the third of three one-year extensions and provides for the following:

- Extends the contract until January 31, 2005
- Maintains the same mark-up rate as in their original proposal provided in 1998 (33%)
- Modifies the existing pay rate schedule to accommodate the changes to the existing job skill classifications

The Airport Advisory Committee recommends this action.

Small Business Opportunity:

Established SBE Goal: 0%

This action is exercising an one-year extension approved in the original contract award. The vendor has self-performed in prior years.

Funding:

Airport Operating Budget

43. Property Transactions

Action: Approve the following property acquisitions (A-C) and adopt the condemnation resolutions (D-M).

For property transactions A, D & E, the purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired for Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition cost are eligible for Federal Aviation Administration reimbursement.

NOTE: Condemnation Resolutions are on file in the City Clerk's Office.

Acquisitions:

- A. Project:** Airport Master Plan Land Acquisition
Owner(s): David T and Bettie S VanCovern
Property Address: 6210 Steele Creek Road
Property to be acquired: 3.223 acres
Improvements: vacant land and warehouse
Purchase Price: \$502,110
Zoned: I1
Use: vacant land and warehouse
Tax Value: \$323,400
Tax Codes: 141-121-28 and 141-121-29
- B. Project:** Harlee/Stafford Realignment, Parcel # 4,
Owner(s): Kathryn Beaty
Property Address: 5614 Wilkinson Boulevard
Property to be acquired: 1,272 sq.ft. (.029 ac.) of Permanent Sidewalk Easement plus 4,995 sq.ft. (.115 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$13,450.00
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: I-2
Use: Restaurant
Tax Code: 061-263-01
Total Parcel Tax Value: \$322,900.00
- C. Project:** Plaza Road Streetscape, Parcel # 1,
Owner(s): Circle K Stores, Inc.
Property Address: 7301 The Plaza
Property to be acquired: 706 sq.ft. (.016 ac.) of Fee Simple plus 1,790 sq.ft. (.041 ac.) of Permanent Easement, plus 3,270 sq.ft. (.075 ac.) of Temporary Construction Easement
Improvements: Sign, Light
Landscaping: Crepe Myrtles, Evergreen Trees
Purchase Price: \$24,425
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: R-8
Use: Convenience Store
Tax Code: 105-091-15
Total Parcel Tax Value: \$658,200

Condemnations:

- D. Project:** Airport Master Plan Condemnation
Owner(s): E. O. Hudson, Jr. ET AL
Property Address: * Dixie Road
Property to be acquired: 11.5 acres
Improvements: vacant land
Purchase Price: \$675,000
Remarks: The purchase price was determined by two independent appraisers and was reviewed by a third appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/ house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.
Zoned: I1
Use: vacant land
Tax Value: \$400,800
Tax Code: 141-131-11
- E. Project:** Airport Master Plan Condemnation
Owner(s): Ronald Gold Overcash
Property Address: 9200 Garrison Road
Property to be acquired: 1.535 acres
Improvements: vacant land
Purchase Price: \$100,000
Remarks: The purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/ house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.
Zoned: I1
Use: vacant land
Tax Value: \$115,800
Tax Code: 141-131-16
- F. Project:** Foxcroft/Ferncliff Storm Drainage Improvements, Parcel # 2,
Owner(s): Starling Reid and Deanna Reid and any other Parties of Interest
Property Address: 2326 Ferncliff Road
Property to be acquired: 618 sq.ft. (.014 ac.) of Permanent Drainage Easement plus Permanent Utility Easement

Improvements: None

Landscaping: Miscellaneous Shrubbery

Purchase Price: \$3,575

Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-3

Use: Residential

Tax Code: 181-133-05

Total Parcel Tax Value: \$390,500

- G. Project:** Heather Lane Bicycle Facility, Parcel # 3,
Owner(s): Park Road Shopping Center, Inc. and any other Parties of Interest
Property Address: 4201 Park Road
Property to be acquired: 16,610 sq.ft. (.381 ac.) of Permanent Utility Easement plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$29,425
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-1
Use: Neighborhood Business
Tax Code: 175-181-01
Total Parcel Tax Value: \$18,780,000
- H. Project:** Eastfield Village, Parcel # 2,
Owner(s): Full Moon of Union, LLC and any other Parties of Interest
Property Address: 12918 Eastfield Road
Property to be acquired: 13,732 sq.ft. (.315 ac.) of Fee Simple
Improvements: None
Landscaping: (15 Bradford Pears)
Purchase Price: \$65,225
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Residential
Tax Code: 027-084-02
Total Parcel Tax Value: \$79,400
- I. Project:** Eastfield Village, Parcel # 1,
Owner(s): Full Moon of Union, LLC and any other Parties of Interest
Property Address: 6621 Prosperity Church Road
Property to be acquired: 5,353 sq.ft. (.123 ac.) of Fee Simple

Improvements: None

Landscaping: Sidewalk, Irrigation & Miscellaneous Shrubbery

Purchase Price: \$34,325

Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-3

Use: Residential

Tax Code: 027-084-01

Total Parcel Tax Value: \$355,000

- J. Project:** Statesville Avenue Widening, Parcel # 87,
Owner(s): Colonial Fixture Manufacturing Company and any other Parties of Interest
Property Address: 3627 Jessie Street
Property to be acquired: 10,454 sq.ft. (.240 ac.) of Fee Simple (Total Acquisition of Vacant Lot)
Improvements: None
Landscaping: None
Purchase Price: \$22,475
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: I-1
Use: Vacant
Tax Code: 077-054-01
Total Parcel Tax Value: \$7,900
- K. Project:** Herrinwood Neighborhood Improvements, Parcel # 322,
Owner(s): Kathy R. Biles and any other Parties of Interest
Property Address: 1209 Dade Street
Property to be acquired: 2,453 sq.ft. (.056 ac.) of Permanent Easement plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$1,900
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-5
Use: Single Family Residential
Tax Code: 093-034-08
Total Parcel Tax Value: \$56,500
- L. Project:** Herrinwood Neighborhood Improvements, Parcel # 67,
Owner(s): Gary D. Aslin and Wife, Patricia A. Aslin and any other Parties of Interest
Property Address: 1807 #62 and 1809 #61 Herrin Avenue

Property to be acquired: 1,011 sq.ft. (.023 ac.) of Permanent Easement plus Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$600

Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-22MF

Use: Condominiums

Tax Code: 093-061-75 and 093-061-76

Total Parcel Tax Value: \$83,300

- M. Project:** Harlee/Stafford Realignment, Parcel # 2,
Owner(s): Old Dominion Freight Line, Inc. and any other Parties of Interest
Property Address: 5600 Reed Boulevard
Property to be acquired: 25,752 sq.ft. (.591 ac.) of Right-of-Way plus Temporary Construction Easement
Improvements: Fence
Landscaping: None
Purchase Price: \$31,725
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: I-2
Use: Warehouse
Tax Code: 061-265-01
Total Parcel Tax Value: \$1,088,400

44. Meeting Minutes

Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:

- **September 2, 2003 Council Policy Retreat**
- **September 8, 2003 Business Meeting**
- **September 15, 2003 Zoning Meeting**
- **September 24, 2003 Business Meeting**